IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

Bail Appl..No. 363 of 2007()

CC.637/2001 of J.M.F.C.,PARAPPANANGADI

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: PETITIONER:

E. KUNJI MOIDU, AGED 45,
S/O.MOIDEENKUTTY, EYYATTIYIL, PONMUNDAM AMSOM,
CHILAVIL DESOM, TIRUR TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY
SMT.THANKOM.G
SRI.E.M.MURUGAN

RESPONDENTS: STATE AND COMPLAINANT:

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1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. CIRCLE INSPECTOR OF POLICE,
THIRURANGADI POLICE STATION, THIRURANGADI.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 363 OF 2007

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DATED THIS THE 23rd DAY OF JANUARY, 2007

O R D E R

Petitioner who is the 5th accused in Crime No.232/95 of Tirurangadi Police Station for an offence punishable under section 3 read with section 25(1)(a) of the Arms Act and section 53A of the Kerala Police Act, seeks anticipatory bail.

2. Admittedly, consequent on the non-appearance of the petitioner before the J.F.C.M, Parappanangadi in C.C.No..637/01, non-bailable warrants of arrest are pending against him. According to the petitioner, he had never received summons from the court.

3. Anticipatory bail cannot be granted in a case of this nature so as to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the trial court and seek regular bail. Accordingly, if the petitioner surrenders before the trial court and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the

same date on which it is filed after examining the grievance of the petitioner that he was never served with summons in the case and after considering the explanation for his previous non-appearance.

With this direction, this petition is disposed of.

V.RAMKUMAR, JUDGE

dsn